

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CADENCE BANK,

Plaintiff,

V.

**TRITGEN, LLC and INDEPENDENT
TEXAS RECYCLERS, LLC,**

Defendants.

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Civil Action No.: 4:24-cv-01266

**RECEIVER'S FOURTH FEE APPLICATION
(JULY 1 THROUGH JULY 31, 2024)**

Alan Weiner of Focus Management Group (the "Receiver"), by and through undersigned counsel, hereby submits this Fourth Fee Application ("Fourth Application") for approval and authorization to pay professional fees and reimburse expenses incurred from July 1, 2024, through July 31, 2024 (the "Application Period") as follows:

Estate Professional:	Fees:	Expenses:	Total:
Focus Management Group ("Focus")	\$84,566.25	\$8,382.03	\$92,948.28
Bryan Cave Leighton Paisner, LLP ("BCLP")	\$6,828.00	\$572.74	\$7,355.74

In support of this Fourth Application, the Receiver would show as follows:

The Receiver was appointed pursuant to the *Agreed Order Appointing Receiver* entered on April 15, 2024, at Docket No. 18 (the "Receivership Order"); that same day the Receiver filed his oath and proof of bond, thereby giving effect to his appointment. The Receiver was authorized by the Court to retain Focus and BCLP. *See* Receivership Order, para. S.

The Receiver filed its first fee application on May 24, 2024 [ECF No. 22] covering the period of April 15-April 30. No written objection was filed within fourteen (14) days. The Court

entered its order approving the first fee application on June 20, 2024 [ECF No. 24]. The Receiver filed its second fee application on June 21, 2024 [ECF No. 27] covering period of May 1-May 31. No written objection was filed within fourteen (14) days. The Court entered its order approving the second fee application on July 15, 2024 [ECF No. 31]. The Receiver filed its third fee application on July 22, 2024 [ECF No. 32]. The Court entered its order approving the third fee application on July 29, 2024 [ECF No. 33]. No written objection was filed within fourteen (14) days.

If no written objection is filed within fourteen (14) days of the filing of this Fourth Application, then this Fourth Application is deemed approved and the Receiver is authorized to pay the fees and expenses as requested herein. *Id.*, Para. DD.

Focus

The duties performed by the Receiver during the Application Period are included in the Focus request for payment dated August 7, 2024, and attached hereto (with redactions) as Exhibit A. During the Application Period, the Receiver billed a total of 73.5 hours at the approved rate of \$425/hour engaging in receivership activities, plus 13.0 hours at the approved travel rate of \$212.50. Juanita Schwartzkopf (Senior Managing Director), Steve Weber (Managing Director), and Noah Niego (Business Analyst) provided assistance to the Receiver in the performance of the Receiver's duties. During the Application Period, Ms. Schwartzkopf billed a total of 1.0 hours billing at the approved hourly rate of \$425/hour; Mr. Weber billed a total of 1.1 hours billing at the approved hourly rate of \$425/hour; Mr. Niego billed a total of 138.6 hours at the approved hourly rate of \$325/hour (plus 31.1 hours at the approved travel rate of \$162.50). *See id.*, para. EE. The Receiver applied a voluntary write-off of 1.0 hours incurred by Ms. Schwartzkopf (totaling \$425.00).

The tasks performed by the Receiver and the other professionals at Focus during the Application Period are set forth in the detailed invoice attached as Exhibit A, and include but are not limited to: (i) cash management and vendor management; (ii) progressing in business sale discussions with prospective purchasers; (iii) responding to diligence requests; (iv) addressing

administrative issues; (v) operating the business of the receivership estate; (vi) protecting the receivership estate assets; (vii) interacting with creditors of the receivership estate; (viii) preparing and analyzing operating budgets; and, (ix) preparing and analyzing financial statements and reports.

Focus incurred expenses, for which reimbursement is requested, for (among other things) travel, lodging, meals, and communications.

The work performed by Focus, and the fees sought for payment by professionals at Focus, were reasonable and necessary to perform the associated tasks. The expenses incurred were necessary for the Receiver and the other professionals at Focus to carry out their duties and responsibilities.

BCLP

BCLP provided the Receiver with legal assistance in connection with performing the Receiver's duties and responsibilities during the Application Period. Specifically, and as set forth in the detailed invoice (with redactions) attached as Exhibit B, BCLP legal professionals Kyle Hirsch (Partner) billed a total of 2.3 hours at his approved hourly rate of \$675/hour; Justin D. Hanna (Associate) billed a total of 8.7 hours at his approved hourly rate of \$575/ hour; and, Deborah A. Field (Paralegal) billed a total of 0.6 hours at her approved hourly rate of \$455/hour assisting the Receiver with: (i) corresponding with the landlord of one of the receivership estate locations; (ii) providing assistance to the Receiver in connection with evaluating opportunities to sell receivership estate assets; and (iii) ensuring the Receiver's compliance with the receivership order, including reporting and fee filing requirements. BCLP incurred reimbursable expenses relating to research and document management in connection with providing services to the Receiver. The legal services provided by BCLP, and the reimbursable expenses incurred, were reasonable and necessary to assist the Receiver in carrying out his duties and responsibilities.

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WHEREFORE, premises considered, the Receiver requests that the Court enter an order, a proposed form of which accompanies this Fourth Application: (i) approving this Fourth Application; (ii) authorizing the Receiver to pay Focus and BCLP as requested herein; and (iii) granting such other and further relief as the Court deems just and proper under the circumstances.

Dated: August 20, 2024

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

/s/ Justin D. Hanna

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***Attorneys for Receiver Alan Weiner of Focus
Management Group***

CERTIFICATE OF SERVICE

I certify that on this 20th day of August, 2024, the foregoing document was filed with the Clerk of Court and served on all parties via the CM/ECF system with a true and correct copy served on all parties' counsel of record as follows:

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